

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Case No. 12-CR-0100 (PJS/SER)

Plaintiff,

v.

ORDER

JUAN ARRAZOLO,

Defendant.

Juan Arrazolo previously pleaded guilty to one count of transporting an illegal alien and was sentenced on January 31, 2013 to a three-year term of probation, with six months of that term to be served in a home-detention program. Arrazolo claims that, as a result of his conviction in this case, he was detained by U.S. Immigration and Customs Enforcement on February 25, 2013 and was subsequently held at the Sherburne County Jail for 129 days. *See* ECF No. 29-1. Arrazolo now requests that the Court credit that time spent at the Sherburne County Jail towards the period of home detention imposed in this case.

The Court questions whether it has the authority to provide the relief that Arrazolo seeks, but assuming that the Court does have such authority, the Court nevertheless denies Arrazolo's motion. When the Court sentenced Arrazolo, it was fully aware that he was likely to suffer immigration-related consequences, including detention and deportation. That factor weighed heavily in the Court's decision to impose only a term of probation and home confinement, with release privileges for employment, religious services, medical treatment, court obligations, and

those discretionary-leave activities approved by the probation officer. In other words, nothing that has happened to Arrazolo alters the Court's view that the sentence that it imposed was warranted under 18 U.S.C. § 3553.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED THAT defendant Juan Arrazolo's motion to credit jail time [ECF No. 29] is DENIED.

Dated: September 18, 2013

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge